IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:06CR126-FDW-DSC

UNITED STATES OF AMERICA,)	
v.)	ORDER
MERCEDES FARQUHARSON,)	
Defendant.)	
)	

THIS MATTER is before the Court on receipt of a Forensic Evaluation from the Metropolitan Correctional Center in New York, New York dated August 6, 2010. Defendant's evaluation was performed at a Bureau of Prisons Outpatient Site and the two evaluators recommended additional testing for organic brain damage at a Federal Medical Center within the Bureau of Prisons since the additional testing will require brain scans. The Report concluded that the Defendant <u>is</u> currently suffering from a mental disease or defect rendering her mentally incompetent to proceed.

Counsel for the Defendant and for the Government concurred regarding the need for continued treatment and evaluation at the hearing conducted by the Court on August 31, 2010.

NOW THEREFORE, IT IS ORDERED:

- 1. The Court finds that Defendant <u>is</u> currently suffering from a mental disease or defect rendering her mentally incompetent to proceed.
- 2. Defendant is committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d), for treatment in a suitable facility and for further evaluation to determine whether the Defendant can attain, or has attained, competency to proceed. Defendant shall be committed to a Federal Medical Center that is able to perform brain scans in order to determine if Defendant has

organic brain damage.

3. The custodial treatment and evaluation described above shall be "for such a reasonable

period of time, not to exceed four months," as provided in 18 U.S.C. § 4241(d)(1); and "for an

additional reasonable period of time until her mental condition is so improved that trial may

proceed, if the Court finds that there is a substantial probability that within such additional period

of time she will attain the capacity to permit the proceedings to go forward" as provided by §

4241(d)(2)(A).

3. The Clerk is directed to send copies of this Order to defense counsel, counsel for the

Government, the U.S. Marshal; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: August 31, 2010

David S. Cayer

United States Magistrate Judge